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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,530	04/24/2001	David B. Wheeler	800528	9716

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EXAMINER
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PERUNGAVOOR, VENKATANARAY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/681,530

Applicant(s)

WHEELER ET AL.

Examiner

Venkatanarayanan Perungavoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 24 and Claim 25 are objected to because the applicant refers to Claim 1.

However, the material disclosed is already encompassed in Claim 13 and 14.

And the examiner believes that the Claim 24 and Claim 25 is meant to depend on Claim 16, and as been interpreted as such. Applicant is requested to take corrective action.

### ***Claim Rejections – 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 15 and 26 are rejected on the basis on being directed to non-statutory subject matter. Claims 15 and 26 disclose an computer program per se that incorporates the Claim 1 and Claim 16 respectively. Claims 15 and 26 do not recite any language that would allow the functionality of the method to be executed by a computer.

### ***Claim Rejections – 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claim 1-4,12,14,16-19,25,27 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5774650 to Chapman et al.
6. Regarding Claim 1, The “receiving at least one identity attribute from the new-user” is met by Chapman et al. see Column 1 Line 17-20. Chapman et al. further discloses similarity searching against an list and receiving an result of the search and based on the result the user is given access or denied access to the computer system see Column 6 Line 58-63.
7. Regarding Claim 2, Chapman et al. discloses the use of user profile see Column 5 Line 65- Column 6 Line 3.
8. Regarding Claim 3 and 4, Chapman et al. discloses a database of unauthorized user information that is used to compare against the user information see Column 6 Line 58- Column 7 Line 6.
9. Regarding Claim 12, Chapman et al. discloses having a list containing valid users that has accounts added (see Column 4 Line 13-22) where there is a match (Column 6 Line 23-25). Chapman et al. further discloses having a list of denied users that has accounts added where there is a match(see Column 6 Line 56-64).

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10. Regarding Claim 14, Chapman et al. discloses the use of hierarchical document for storage of denied user see Column 6 Line 65- Column 7 Line 3.

11. Regarding Claim 16, The "receiving at least one identity attribute from the new-user" is met by Chapman et al. see Column 1 Line 17-20. Chapman et al. further discloses similarity searching against an list and receiving an result of the search and based on the result the user is given access or denied access to the computer system see Column 6 Line 58-63. Chapman et al. further discloses having a list containing valid users that has accounts added (see Column 4 Line. 13-22) where there is a match (Column 6 Line 23-25); having a list of denied users that has accounts added where there is a match(see Column 6 Line 56-64).

12. Regarding Claim 17, Chapman et al. discloses the use of user profile see Column 5 Line 65- Column 6 Line 3.

13. Regarding Claim 18 and Claim 19, Chapman et al. discloses a database of unauthorized user information that is used to compare against the user information see Column 6 Line 58- Column 7 Line 6.

14. Regarding Claim 25, Chapman et al. discloses the use of hierarchical document for storage of denied user see Column 6 Line 65- Column 7 Line 3.

15. Regarding Claim 27, The "receiving at least one identity attribute from the new-user" is met by Chapman et al. see Column 1 Line 17-20. Chapman et al. further discloses similarity searching against an list and receiving an result of the search and based on the result the user is given access or denied access to the computer system see Column 6 Line 58-63. Chapman et al. further discloses having a list containing valid users that has accounts added (see Column 4 Line 13-22) where there is a match (Column 6 Line 23-25); having a list of denied users that has accounts added where there is a match(see Column 6 Line 56-64).

***Claim Rejections – 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 5-11, 20-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman et al. in view of U.S. Patent No. 6026398 to Brown et al.

18. Regarding Claim 5, Chapman et al. fails to disclose comparing similarity result to a first match tolerance level. However, Brown et al. discloses comparing the result to a weights see Column 13 Line 1-4. It would be obvious to one having

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ordinary skill in the art at the time of the invention to modify comparing the result to a weight function in Brown et al. to a first match tolerance level so as to provide for accurate match and to determine how close is the match see Column 13 Line 21-26.

19. Regarding Claim 6 and Claim 7, Chapman et al. does not disclose match being positive when there is match exceeds tolerance level, and being negative when the match is does not exceed tolerance level. However, Brown et al. discloses the match being "close" when the weight is greater and not "close" when the weight is not greater see Column 13 Line 27-30. It would be obvious to one having ordinary skill in the art at the time of the invention to modify a function of match being "close" when the weight is greater in Brown et al. to a positive and negative in order to provide for an accurate measurement of closeness see Column 13 Line 21-26.

20. Regarding Claim 8, Chapman et al. does not discloses where an positive match has been found, verifying via a secondary review. However, Brown et al. discloses having a after an match has been secondary review to verify the match see Column 14 Line 8-14. It would be obvious to one having ordinary skill in the art at the time of the invention to include having a after an match has been secondary review to verify the match in order to further increase the likelihood of an match see Column 14 Line 17-21.

21. Regarding Claim 9, Chapman et al. does not disclose comparing the result of secondary to a second tolerance match level. However, Brown et al. discloses comparing the results of a secondary review to a second tolerance match level see Column 14 Line 14-17. It would be obvious to one having ordinary skill in the art at the time of the invention to include comparing the results of a secondary review to a second tolerance match level in order to further increase the likelihood of an match see Column 14 Line 17-21.

22. Regarding Claim 10 and Claim 11, Chapman et al. does not disclose having an positive match that does not meet or exceed match tolerance level; and a negative match that does meet or exceed tolerance level. However, Brown et al. discloses having a to test to determine a match, and having a weight value that can be greater than zero being pass and less being fail see Column 14 Line 23-32. It would be obvious to one having ordinary skill in the art at the time of the invention to modify having a to test to determine a match, and having a weight value that can be greater than zero being pass and less being fail in Brown et al. to a positive and negative in order to accurately determine whether the match is close see Column 14 Line 43-47.

23. Regarding Claim 20, Chapman et al. fails to disclose comparing similarity result to a first match tolerance level. However, Brown et al. discloses comparing the



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result to a weights see Column 13 Line 1-4. It would be obvious to one having ordinary skill in the art at the time of the invention to modify comparing the result to a weight function in Brown et al. to a match tolerance level so as to provide for accurate match and to determine how close is the match see Column 13 Line 21-26.

24. Regarding Claim 21 and Claim 22, Chapman et al. does not disclose match being positive when there is match exceeds tolerance level, and being negative when the mach is does not exceed tolerance level. However, Brown et al. discloses the match being "close" when the weight is greater and not "close" when the weight is not greater see Column 13 Line 27-30. It would be obvious to one having ordinary skill in the art at the time of the invention to modify a function of match being "close" when the weight is greater in Brown et al. to a negative match in order to provide for an accurate measurement of closeness see Column 13 Line 21-26.

25. Regarding Claim 23, Chapman et al. does not disclose comparing the result of secondary to a second tolerance match level. However, Brown et al. discloses comparing the results of a secondary review to a second tolerance match level see Column 14 Line 14-17. It would be obvious to one having ordinary skill in the art at the time of the invention to include comparing the results of a secondary

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review to a second tolerance match level in order to further increase the likelihood of an match see Column 14 Line 17-21.

26. Claim 13,24 rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman et al.(U.S. Patent No. 5774650) in view of U.S. Patent No.6626092 B1 to Berke.

27. Regarding Claim 13, Chapman et al. does not disclose new-user attribute received from Internet web site, data entry systems and databases. However, Berke discloses the receiving of attribute through web-sites, data entry and databases see Column 4 Line 58-Column 5 Line 2 & Column 5 Line 52-58. It would be obvious to one having ordinary skill in the art at the time of the invention to include the receiving of attribute through web-sites, data entry and databases in order for it to be adaptable to conventional devices see Column 5 Line 4-11.

28. Regarding Claim 24, Chapman et al. does not disclose new-user attribute received from Internet web site, data entry systems and databases. However, Berke discloses the receiving of attribute through web-sites, data entry and databases see Column 4 Line 58-Column 5 Line 2 & Column 5 Line 52-58. It would be obvious to one having ordinary skill in the art at the time of the invention to include the receiving of attribute through web-sites, data entry and

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databases in order for it to be adaptable to conventional devices see Column 5

Line 4-11.

### ***Conclusions***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of art in general:

U.S. Patent No. 6374237 B1 to Reese

U.S. Patent No. 6526423 B1 to Zawadzki et al.

U.S. Patent No. 6070240 to Xydis

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

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only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP  
Venkatanarayanan Perungavoor

Venkatanarayanan Perungavoor  
Examiner  
Art Unit 2132

  
THOMAS R. PEESO  
PRIMARY EXAMINER